

August 18, 2008

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United States District Court  
Chambers of Hon. Harold Baer, Jr.  
500 Pearl Street  
New York, NY 10007

Re: Adonna Frometa v. Mario E. Diaz & All American Haulers & Recycling  
Date of Loss: 2/14/2007  
Our File No: SP07-001

Honorable Judge Baer,

This office represents Plaintiff Adonna Frometa in the above named matter.

This office was informed by Geico Insurance Company (correspondence attached) that Plaintiff, Adonna Frometa has fully exhausted available Fifty Thousand Dollars (\$50,000.00) of the No-Fault coverage in this matter. Pursuant to Insurance Law Sec. 5102(a) and 5104(a) this office previously sent a request to the law office of Wilson Elser Edeman & Moskowitz to stipulate that Plaintiff's economic loss arising from this accident exceeded her basic economic loss under Insurance law 5102 (a) and 5104 (a).

This good faith attempt was made in accordance to the prior request of your Honor to attempt to resolve all issues prior to contacting Chambers. This office received a correspondence from Mr. Miller denying said request this date (attached hereto is a copy of the correspondence).

Therefore, the Plaintiff respectfully requests leave to seek a ruling and determination of the above issue as a matter of law. The purpose of said determination is to limit the issues applicable to the trial currently scheduled for September 8<sup>th</sup>, 2008 and also in the interest of judicial economy. This office was not able to make the appropriate motion in due time within the time prescribed by this Honorable Court, as the No-Fault coverage was exhausted after said the limit.

Should this application require personal appearance, Plaintiff is ready to submit this application at any time convenient to Court.

Very truly yours,

SLAWEK W. PLATTA, PLLC

*[Handwritten signature]*

Slawek W. Platta, Esq. (SP2699)

CC: Wilson Elser Moskowitz, Edelman & Dicker, LLP

SO ORDERED:

Harold Baer, Jr., U.S.D.J.

Date: 8/20/04

SLAWEK W. PLATTA, PLLC • 41 BROADWAY, SUITE 1927 • NEW YORK, NY 10004

Endorsement: I have no PTSO before me but you should have one, one that you signed.

As I explained at the time the month for trial is written in stone and would be disturbing to your fellow lawyers who have scheduled trials and me if I switched the month for this reason. Your very late application is denied and we will see you in Court on 9/8/08.